

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7776

BILL NUMBER: SB 518

NOTE PREPARED: Mar 23, 2005

BILL AMENDED: Mar 22, 2005

SUBJECT: Forestry issues.

FIRST AUTHOR: Sen. Weatherwax

FIRST SPONSOR: Rep. Friend

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill specifies that certain activities of a forestry operation are not a public or private nuisance. It also entitles a forestry operation that successfully defends a nuisance action to reasonable costs and attorney's fees incurred to defend the action. The bill provides that local ordinances adopted after March 31, 2005, making forestry operations a nuisance are void. It exempts from ordinances restricting forestry operations certain operations that comply with best management practices and have been in continuous operation. It encourages units to recognize the needs of forestry in future growth. It also repeals and relocates the definition of "unit of local government".

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) The bill provides that certain ordinances of a unit of local government adopted after March 31, 2005, are void. The provision could reduce local administrative expenditures that would have been associated with adopting ordinances pertaining to nuisances.

The bill also provides that a forestry operation that successfully defends an action is entitled to reasonable costs and attorney's fees incurred in defending the action. This provision could result in additional expense to local units if units take action against an operation and the forestry operation is successful in its defense. The impact is indeterminable and will depend on local actions.

The bill also expands the circumstances in which a forestry operation is considered to be in continuous operation and further expands circumstances under which a forestry operation would not be considered a nuisance. These provisions could reduce legal actions taken against forestry operations which would reduce expenses associated with local court actions. The impact is indeterminable.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: All.

Information Sources:

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